

prosecution of the present application. To date, two responses have been filed: (1) an Amendment and Reply to the Restriction Requirement on May 2, 2002; and (2) an Amendment on August 23, 2002. In the Amendment submitted on August 23, 2002, Applicants commented that:

Claim 24 recites the steps of manufacturing a wafer having a plurality of acoustical wave devices formed on the wafer. During the formation of the acoustical wave devices, the piezoelectric material may not be uniform throughout the wafer. Because of this non-uniformity, each of the acoustical wave devices (which are divided out from the wafer) will produce different frequency ranges. In order to avoid this problem, and to ensure that each of the acoustic wave devices exhibit common/uniform operational characteristics, the present invention modifies a characteristic of the device such as a pattern shape.

Furthermore, Applicants also stated that each of "cited prior art references fail to teach or suggest a wafer having a plurality of acoustic wave devices formed thereon and exhibiting common operational characteristics, as recited in the independent claim." Therefore, as is evidenced by the previous prosecution history, Applicants have never changed the argumentation of the present application.

The Examiner, however, appears to fail to understand the crux of the invention. This is evidenced in that the Examiner states on page 2 of the Office Action that "a wafer...will have *several different frequencies* on that wafer..." and then contradictorily states that "a wafer meant to be cut apart...will have each resonator tuned to *the same frequency*," emphasis added. The Examiner then states in a question "[w]hich device is applicants apparatus limited to?" Applicants submit that the device is the apparatus as presented in the claims.

Moreover, the Examiner rejected claims 24-33 and 48 (Applicants assume that this should be claim 40 instead of claim 48) under 35 U.S.C. 102(a) as being anticipated by Krishnaswamy et al. (US 5,185,589); Curran et al. (US 3,401,275); Vale et al. (US 5,194,836); or Japanese Kokai Patent Application No. 5-259804 (hereinafter '804). The Examiner further rejects: claim 34 under 35 U.S.C. 103(a) as being unpatentable over '804, Krishnaswamy et al., or Vale et al., in view of Berlincourt (US 3,676,724); and claims 35-39 and 61-62 under 35 U.S.C. 103(a) as being unpatentable over '804, Krishnaswamy et al., Vale et al., or Curran (US 3,401,275).

Applicants respectfully request that the Examiner, aside from merely stating that the reasons are set for in paper no. 6 (5-29-02), indicate how any of the prior art teach all of the limitations of the presently pending claims in order to substantiate an anticipation rejection, because none of the cited prior art teaches or suggest, e.g., at least a wafer having a plurality of acoustic wave devices formed thereon and exhibiting common operational characteristics. The Examiner's response to Applicants' arguments border on piecemeal examination. Referring to MPEP 707(g), it states that "[a rejection] should be stated with the full development of reasons rather than by a mere conclusion coupled with some stereotyped expression." Accordingly, Applicants traverse each of the rejections and respectfully request that the Examiner further the claims to issue, or at the least reject the claims with a full development of reasons.

Lastly, the Examiner improperly withdrew claims 61 and 62 from consideration. Referring to the summary page of the outstanding Office Action, the Examiner states that claims 17-23 and 41-62 are withdrawn from consideration. Claims 61-62, however, are dependent from claim 24, and *should not be withdrawn from consideration.*

Accordingly, Applicants respectfully request: (1) a summary sheet that properly and correctly indicates the status of the claims; and (2) to either allow or reject the claims with a full development of reasons.

CONCLUSION

In view of the above remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Appln. No.: 09/778,872

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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